



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 31, 1998

Mr. James R. Thompson
City Attorney
City of Five Hills
P.O. Drawer 1449
Copperas Cove, Texas 76522

OR98-1803

Dear Mr. Thompson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117329.

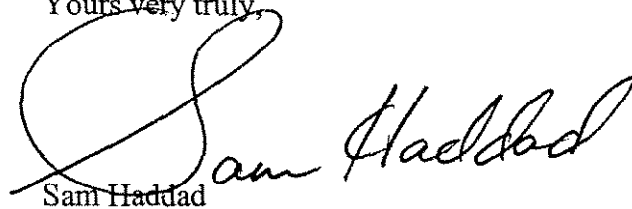
The City of Copperas Cove (the "city") received an open records request for traffic citations relating to citation #60456 (stopping at an intersection). You contend that the city need not comply with the request. You did not, however, submit to our office a copy of the written open records request that the city received. *See* Gov't Code § 552.301(b).

Pursuant to section 552.303(c) of the Government Code, on June 22, 1998, our office notified you by letter sent via facsimile that you had failed to submit information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e), *id.*, failure to comply would result in the legal presumption that the requested information is public information.

You did not provide our office with the information that was requested in our notice to you. Therefore, as provided by section 552.303(e), the requested information is presumed to be public and must be released absent a demonstration that a compelling interest exists for withholding the information. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to section 552.302); Open Records Decision No. 319 (1982).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad

Assistant Attorney General
Open Records Division

SH/RWP/mjc

Ref.: ID# 117329

cc: Mr. Hiromi Walker
1808 Bowen Avenue
Copperas Cove, Texas 76522